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EXAMINER

RYAN, PATRICK A

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/675,904	Applicant(s) KARAOGUZ ET AL.	
	Examiner PATRICK A. RYAN	Art Unit 2427	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 July 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is made in response to Response Under 37 CFR 1.111 ("Reply") filed July 1, 2009. Applicant has amended Claims 1, 11, and 21; no claims have been added; and no claims have been canceled. As currently pending, Claims 1 through 31 are presented for examination.

2. In Office Action of September 30, 2008 ("Office Action"):

Claims 1 through 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Novak, (US Patent Application Publication 2002/0104099) in view of Cooper et al, United States Patent (6,754,904 B1).

Response to Arguments

3. Applicant's arguments, see Reply Pages 12-19, with respect to the rejection of Claims 1, 11, and 21 under 35 U.S.C. 103(a) as being unpatentable over Novak in view of Cooper have been fully considered but they are not persuasive. Applicant presents that the combination of Novak and Cooper does not address the Claim 1, 11, and 21 limitation of (with underline denoting a newly amended limitation):

"presenting for display, at a first geographic location, said schedule comprising said one or both of personal media and/or broadcast media in a media guide, wherein said media channel may be pushed from said first geographic location to a second geographic location, wherein said media guide comprises a plurality of channels, and wherein one or more of said plurality of channels may be selected and viewed at said first geographic location prior to pushing said media channel to said second location"

Applicant states that the combination of Novak and Cooper does not render the above cited limitation unpatentable because the electronic program guide information of Cooper “is not media content but information only identifying the media content, such as the television program, that is being viewed at the other STB” and “none of Cooper’s STBs can select/view a media channel, prior to pushing the media to another geographic location” (Reply bottom of Page 16 to top of Page 17; with further reference to Cooper at Abstract, Col. 4 Lines 42-49, and Step 702 of Fig. 7). The Examiner respectfully disagrees.

As the Examiner had previously presented, Novak teaches a system and method for pushing media content from a first geographic location to a second geographic location, where a set top box device (STB) can be located at each location (generally demonstrated by Novak in Figs. 1 and 11; with further reference to Office Action Page 3-4). In particular, the Examiner has addressed the claimed “first location” with Novak’s Upload Source 122 and the claimed “second location” with Novak’s “STB 152” (Office Action Pages 3-4). Novak clearly discloses that multiple selectable and tunable media channels are presented at STB 152 by way of (electronic program guide) EPG 153 (of Fig. 9, as described in Paragraphs [0073-0075]). Novak additionally discloses that Upload Source 122 comprise a set top box, a PC, or other access device (Paragraphs [0039,0040,0056]).

According to Novak, Upload Source is presented with Interface 702 of Fig. 7 for scheduling the presentation of personal media (as described in Paragraphs [0067-0068]). It is the Examiner’s position that Novak’s Interface 702 constitutes a “media

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guide” (as first stated in Claims 1, 11, and 21 of the instant application) however, Novak does not explicitly demonstrate that this media guide comprise a plurality of channels, wherein one or more of the plurality of channels may be selected and viewed at the first geographic location (i.e. the Upload Source), as presented in Office Action Page 4.

Therefore the Examiner has relied upon the Cooper reference to teach this limitation.

In a similar fashion to Novak, Cooper teaches a method and system for communicating information from a STB in a first geographic location to a STB in a second geographic location (as shown in Fig. 6 and described in Col. 4 Line 28—Col. 5 Line 33; with further reference to Office Action Pages 4-5). As demonstrated in Figure 6, each location is presented with an EPG containing multiple channels (as individually identified by channel number and name). Additionally, Cooper discloses that channels in the EPGs are selectable and viewable as presented to each location (in accordance with the method of Fig. 7, as shown in Fig. 8, and as described in Col. 5 Lines 54—Col. 6 Line 39).

The Examiner submits that the teachings of Novak and Cooper demonstrate structurally similar systems providing multi-channel EPG information to end users in accordance with similar techniques and, therefore, these similar teachings are usable together. Novak discloses a system consisting of two STBs at different geographic locations, but only teaches a multi-channel EPG being presented at one of the locations. Cooper also discloses a system consisting of two STBs at different geographic locations and additionally teaches that each STB is presented with a multi-channel EPG. Therefore, the Examiner submits that Cooper demonstrates that it is well

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known in the art of television program distribution to present a multi-channel EPG to a user regardless of their geographic location. In addition, one of ordinary skill in the art at the time of the invention would have been motivated to modify the STB at Upload Source 122 of Novak to include the multi-channel EPG functionality of Cooper in order to provide traditional STB functions, such as broadcast television consumption, at both locations.

In view of the above teachings, the Examiner submits that the combination of Novak and Cooper teach the Claim 1, 11, and 21 limitations of:

“presenting for display, at a first geographic location, said schedule comprising said one or both of personal media and/or broadcast media in a media guide, wherein said media channel may be pushed from said first geographic location to a second geographic location, wherein said media guide comprises a plurality of channels, and wherein one or more of said plurality of channels may be selected and viewed at said first geographic location.”

Regarding Applicant's newly amended limitation of selecting and viewing one or more of the plurality of channels “prior to pushing said media channel to said second location”, the Examiner submits that the combination of Novak and Cooper also address this limitation. As previously presented, Novak teaches a method of pushing media from a first geographic location to a second geographic location (generally demonstrated by Novak in Figs. 1 and 11; with further reference to Office Action Page 3-4). The combination of Novak and Cooper teach the presentation of a multi-channel EPG allowing a user at the first location to select and view content (as presented above). Cooper additionally discloses the communication of information from the first geographic location to the second geographic location in the form of Message 600 (as shown in Fig. 6 and described in Col. 4 Lines 28-64). With reference to Figure 9,

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Cooper demonstrates that a user can receive and view a TV signal 800 prior to transmitting the outgoing message (as described in Col. 6 Lines 19-57; with further reference to the method of Fig. 10). The Examiner submits that one of ordinary skill in the art at the time of the invention would have been motivated to include Cooper's teachings of previewing content prior to transmitting an outgoing message within Novak's system for pushing media from a first to a second geographic location so that the user uploading content could review the content prior to broadcasting.

Therefore the Examiner submits the combination of Novak and Cooper also teach the Claim 1, 11, and 21 limitation of selecting and viewing one or more of the plurality of channels "prior to pushing said media channel to said second location".

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1 through 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Novak, (US Patent Application Publication 2002/0104099) in view of Cooper et al, United States Patent (6,754,904 B1) hereinafter "Cooper".

6. In reference to Claim 1, Novak teaches a method of customizing a channel interface (shown in Figure 11 as described in Paragraphs [0077-0086]), the method comprising:

determining one or both of personal media and/or broadcast media that is to be presented in a media channel (“broadcast” or “synthetic” channels of Figs. 8 and 9 as described in Paragraph [0071-0075]; with further reference to User Interface 702 of Fig. 7, as described in Paragraphs [0063-0070]);

determining a schedule for presenting one or both of personal media and/or broadcast media in the media channel (creation of synthetic channel at Block 1106 of Figure 11 as described in Paragraph [0078], with further reference to Figs. 6 and 7 as described in Paragraphs [0062-0068]); and

presenting for displaying, at a first geographic location (Upload Source 122, which can be an “individual”, an “organization”, or a “consumer” and “can comprise or can use a set top box, a PC, or other access device...”, as described in Paragraphs [0039,0040,0056]; with further reference to [0041,0046,0055,0056,0068,0070, 0074,0080]), the schedule comprising the one or both of personal media and/or broadcast media in a media guide (schedule of personal media is presented to user of Upload Source 122 in Display 710 of Interface 702, as shown in Fig. 7 and described in Paragraphs [0067,0068]),

wherein the media channel may be pushed from the first geographic location to a second geographic location (Block 1104 to Block 1112 of Figure 11, as described in Paragraphs [0078-0083], demonstrating the process of providing access to information

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related to media objects by way of Interface 702; with further reference to Paragraph [0075] and Blocks 1114-1116 of Fig. 11, describing operations of client terminal of end user STB 152 at a [equated to Applicant's "second geographic location"]; with additional reference to Paragraphs [0084-0086]);

Novak additionally discloses a media guide comprising a plurality of channels that are selectable and tunable from the second location (EPG 153 of Fig. 9 displays multiple channels to the end user at STB 152 in the form of Television Channels 902 and synthetic channel Listing 908, as described in Paragraph [0073-0074]. In addition Remote Control Unit 158 is used to tune Television Set 154 to Television Programs 906 and synthetic channel media 910, as described in Paragraphs [0075]).

However, within the disclosure of Novak, it is unclear if one or more of the plurality of channels may be selected and viewed at the first geographic location prior to pushing the media channel to the second geographic location.

In a similar field of invention, Cooper teaches a method and system for informing a first network user of activity by other network users (Abstract). Cooper further discloses a system consisting of multiple Set-top Boxes (600a and 600b of Fig. 6) that are in communication with each other by way of Server 506 and Internet 508 (as further illustrated in Fig. 5 and described in Col. 3 Line 56—Col. 4 Line 26). Cooper demonstrates in Fig. 6 that each set-top box user on the network is presented with an EPG (602a and 602b) containing multiple television channels that the user is able to select and view at each respective location (as described in Col. 4 Line 28—Col. 5 Line 33; with further reference to the method of Fig. 7, as shown in Fig. 8, and as described

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in Col. 5 Lines 54—Col. 6 Line 39). Cooper additionally discloses the communication of information from the first geographic location to the second geographic location in the form of Message 600 (as shown in Fig. 6 and described in Col. 4 Lines 28-64). With reference to Figure 9, Cooper demonstrates that a user can receive and view a TV Signal 800 prior to transmitting the outgoing message (as described in Col. 6 Lines 19-57; with further reference to the method of Fig. 10).

Novak and Cooper demonstrate structurally similar systems providing multi-channel EPG information to end users in accordance with similar techniques and, therefore, these similar teachings are usable together. Novak discloses a system consisting of two STBs at different geographic locations, but only teaches a multi-channel EPG being presented at one of the locations. Cooper also discloses a system consisting of two STBs at different geographic locations and additionally teaches that each STB is presented with a multi-channel EPG. Therefore, Cooper demonstrates that it is well known in the art of television program distribution to present a multi-channel EPG to a user regardless of their geographic location. One of ordinary skill in the art at the time of the invention would have been motivated to modify the STB at Upload Source 122 of Novak to include the multi-channel EPG functionality of Cooper in order to provide traditional STB functions, such as broadcast television consumption, at both locations. Additionally, one of ordinary skill in the art at the time of the invention would have been motivated to include Cooper's teachings of previewing content prior to transmitting an outgoing message within Novak's system for pushing media from a first

to a second geographic location so that the user uploading content could review the content prior to broadcasting.

7. In reference to Claim 2, the combination of Novak and Cooper teaches a method of presenting the media guide comprising representations of one or both of personal media and broadcast media in a graphical user interface (Novak: EPG 153 of Fig. 9, as described in Paragraphs [0071-0075]; with further reference to EPG 802 of Figure 8).

8. In reference to Claim 3, the combination of Novak and Cooper teaches a method wherein the graphical user interface contains one or both of aural and/or visual representations comprising one or more of audio, text, video, and/or graphics of one or both of personal media and/or broadcast media (Novak: display screen 1004 of Figure 10 as described in Paragraph [0076], Lines 4-10).

9. In reference to Claim 4, the combination of Novak and Cooper teaches a method of controlling the graphical user interface by one or more of a keyboard, a mouse, a remote control, and/or a microphone (Novak: buttons 172 and 174 of remote control 158 as described in Paragraph [0073], Lines 4-10).

10. In reference to Claims 5 and 9, the combination of Novak and Cooper teaches a method wherein the schedule correlates one or both of personal media and/or broadcast media to one or more of a time, a day, and/or a year (Novak: listings 908 of Figure 9 as described in Paragraph [0074] lines 10-13) for the presentation of the one or more of personal media and/or broadcast media in the media channel.

11. In reference to Claim 6, the combination of Novak and Cooper teaches a method of selecting the one or both of personal media and/or broadcast media (Novak: buttons

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172 and 174 of remote control 158 as described in Paragraph [0073], Lines 4-10) from a list of sources (Novak: “underlying component” of EPG 802 as described in Paragraph [0072]).

12. In reference to Claim 7, the combination of Novak and Cooper teaches a method of displaying access and control functions for controlling the one or more of personal media and/or broadcast media from within the media guide (Novak: “automatic features” of interface 702 as described in Paragraph [0066]).

13. In reference to Claim 8, the combination of Novak and Cooper teaches a method of rescheduling when the one or more of personal media and/or broadcast media is to be presented in the media channel (Novak: “re-sequence” action of interface 702 as described in Paragraph [0065], Lines 6-14).

14. In reference to Claim 10, the combination of Novak and Cooper teaches a method of updating one or more of a time, a day, and/or a year within the media guide (Novak: upload/update button 712 of interface 702 as described in Paragraph [0067]), when the one or both of personal media and/or broadcast media is to be presented in the media channel (Novak: Updating EPG 153, as described in Paragraph [0080]).

15. In reference to Claims 11-20, the combination of Novak and Cooper teaches a machine-readable storage (Novak: described in Paragraph [0077], Lines 4-10) having stored thereon, a computer program having at least one code section for programming media content in a distributed media network (Novak: using “token” program described in Paragraph [0058] Lines 1-10), the at least one code section being executable by a

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machine (Novak: STB 152 described in Paragraph [0077] Lines 10-14) for causing the machine to perform the method of Claims 1 through 10.

16. In reference to Claim 21-30, the combination of Novak and Cooper teaches a system for customizing a channel interface comprising at least one processor that receives at least one indication of one or both of personal media and/or broadcast media that is to be presented in a media channel (Novak: STB 152 executing the flow diagram of Figure 11 as described in Paragraphs [0077-0086]), wherein the system and processor execute the method of Claims 1 through 10.

17. In reference to Claim 31, the combination of Novak and Cooper teaches a processor that is a media processing system processor (Novak: Paragraph [0085] describing the STB 152 executing flow diagram block 1114).

Conclusion

18. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PATRICK A. RYAN whose telephone number is (571)270-5086. The examiner can normally be reached on Mon to Thur, 8:00am - 5:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Beliveau can be reached on (571) 272-7343. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/P. A. R./
Examiner, Art Unit 2427
Friday, October 30, 2009

/Scott Beliveau/
Supervisory Patent Examiner, Art Unit 2427